RECEIVED

Before the **COPYRIGHT ROYALTY JUDGES** LIBRARY OF CONGRESS Washington, D.C.

FEB 0 4 2009

Copyright Royalty Board

In the Matter of

Digital Performance in Sound Recordings and Ephemeral Recordings

Docket No. 2009-1 CRB Webcasting III

PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and 74 Fed. Reg. 318, January 5, 2009, Apple Inc. ("Apple"), by its attorneys, files this petition stating its intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of an "eligible nonsubscription transmission" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

Apple has the required significant interest in the subject matter of this proceeding because of evolving businesses and opportunities, such that it may in the future utilize and perform sound recordings under the above-referenced licenses. As such, Apple intends to fully participate in the proceeding. Counsel hereby certifies that Apple has authorized and consented to being represented in this proceeding. The requisite \$150 filing fee is submitted herewith.

Respectfully submitted,

Kevin Saul, Esq. Associate General Counsel Apple Inc. 1 Infinite Loop, MS: 3-ITS

Cupertino, California 95014

Telephone: (202) 730-1300 Facsimile: (202) 730-1301 laguarda@harriswiltshire.com

1200 Eighteenth Street, NW

Washington, DC 20036

Fernando R. Laguarda, DC Bar No. 449273 HARRIS, WILTSHIRE & GRANNIS LLP

Counsel for Apple Inc.

February 4, 2009

4838-3802-6499, v. 1

Before the COPYRIGHT ROYALTY JUDGES LIBRARY OF CONGRESS Washington, D.C.

In the Matter of

Docket No. 2009-1 CRB Webcasting III

FEB 0 4 2009

Digital Performance in Sound Recordings and Ephemeral Recordings

PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and 74 Fed. Reg. 319, January 5, 2009, the Digital Media Association, ("DiMA"), files this petition stating its intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of "eligible nonsubscription transmissions" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

DiMA has a significant interest in the subject matter of this proceeding because it is a trade organization that represents digital media companies, many of which intend to utilize and perform sound recordings under the above-referenced licenses and will therefore be subject to the rates and terms established in this proceeding. As such, DIMA intends to fully participate in the proceeding.

The requisite \$150 filing fee is submitted herewith.

February 4, 2009

Respectfully submitted.

Jonathan Potter
Executive Director

DiMA

1029 Vermont Avenue, N.W.

Washington, D.C. 20005 Phone: (202) 639-9509 Facsimile: (202) 639-9504

e-mail addresses: jpotter@digmedia.org, and also, lknife@digmendia.org

ORIGINAL

Before the COPYRIGHT ROYALTY BOARD LIBRARY OF CONGRESS Washington, DC

RECEIVED

FEB 0 4 2009

		Copyright Royalty Board
In the Matter of)	., .
)	Docket No. 2009-1
Digital Performance Right)	(CRB Webcasting III)
In Sound Recordings and)	` ' '
Ephemeral Recordings)	
)	

JOINT PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 37 C.F.R. § 351.1(b), Citadel Broadcasting Corporation, Clarke Broadcasting Corporation, Entercom Communications Corp., Galaxy Communications, LP, and Greater Media, Inc. (together, "Joint Petitioners") hereby jointly petition to participate in the above-captioned proceeding to determine the reasonable rates and terms for the 2011-2015 license period for eligible nonsubscription transmission services to make certain public performances by digital audio transmission of sound recordings under 17 U.S.C. § 114(f) and to make ephemeral recordings in furtherance of those performances under 17 U.S.C. § 112(e).

The Joint Petitioners have a significant interest in this proceeding because they each intend to make public performances of sound recordings by digital audio transmission and ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The undersigned counsel to the Joint Petitioners hereby certifies that, as of the date of submission of this Joint Petition, he has the authority and consent of the Joint Petitioners to represent them in this proceeding.

The required \$150 filing fee is enclosed herewith.

Respectfully submitted,

Philip A. Bonomo

Counsel to Citadel Broadcasting Corporation, Clarke Broadcasting Corporation, Entercom Communications Corp., Galaxy Communications, LP, and Greater Media, Inc.

Lerman Senter PLLC 2000 K Street, NW, Suite 600 Washington, DC 20006 Telephone: 202-416-6773

Facsimile: 202-293-7783

Email: pbonomo@lermansenter.com

February 4, 2009

Enclosure

ORIGINAL

Before the COPYRIGHT ROYALTY BOARD LIBRARY OF CONGRESS Washington, DC

RECEIVED

FEB 0 4 2009

In the Matter of

Digital Performance Right
In Sound Recordings and
Ephemeral Recordings

Copyright Royalty Board

Docket No. 2009-1

(CRB Webcasting III)

PETITION TO PARTICIPATE OF CBS RADIO INC.

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 37 C.F.R. § 351.1(b), CBS Radio Inc. ("CBS Radio") hereby petitions to participate in the above-captioned proceeding to determine the reasonable rates and terms for the 2011-2015 license period for eligible nonsubscription transmission services to make certain public performances by digital audio transmission of sound recordings under 17 U.S.C. § 114(f) and to make ephemeral recordings in furtherance of those performances under 17 U.S.C. § 112(e).

The required information concerning the petitioning party follows:

Full Name: CBS Radio Inc.

Address: 2000 K Street, NW, Suite 600

Washington, DC 20006

Telephone Number: 202-416-1087 Facsimile Number: 202-293-7783

Email Address: Stephen.Hildebrandt@cbsradio.com

CBS Radio has a significant interest in this proceeding because it intends to make public performances of sound recordings by digital audio transmission and ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The required \$150 filing fee is enclosed herewith.

Respectfully submitted,

Stephen A. Hildebrandt

Senior Vice President Business Affairs and

Deputy General Counsel

CBS Radio Inc.

 $2000~\mathrm{K}$ Street, NW, Suite 600

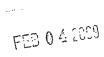
Washington, DC 20006

Telephone: 202-416-1087

February 4, 2009

Enclosure

Before the COPYRIGHT ROYALTY BOARD Washington, D.C.



In the Matter of)	
)	
Digital Performance in Sound Recordings)	[Docket No. 2009-1 CRB Webcasting III]
and Ephemeral Recordings)	
)	

THE NCE RADIO COALITION'S PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B), 37 CFR 351.1(b), and 74 Fed. Reg 319, the NCE Radio Coalition hereby petitions to participate in the above-captioned proceeding to determine the rates and terms for the period 2011 to 2015 for digital performances of sound recordings under 17 U.S.C. § 114(f)(2) and the making of ephemeral recordings under 17 U.S.C. § 112(e).

The NCE Radio Coalition consists of noncommercial radio broadcasters that simulcast radio broadcasts online. It has a significant interest in this proceeding because its members rely on the statutory licenses to digitally perform sound recordings under 17 U.S.C. § 114(f)(2) and to make ephemeral recordings under 17 U.S.C. § 112(e).

The required \$150 filing fee is submitted herewith.

Respectfully submitted,

A. Wray Fitch III (Va. Bar No. 18984)

Kenneth E. Liu (Va. Bar No. 42327)

GAMMON & GRANGE, P.C.

8280 Greensboro Dr., 7th Floor

McLean, VA 22102

703-761-5000

703-761-5023 (Fax)

awf@gg-law.com

kel@gg-law.com

Counsel for the NCE Radio Coalition

150453

GAMMON & GRANGE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

SEVENTH FLOOR 8280 GREENSBORO DRIVE McLEAN, VA 22102-3807

TELEPHONE (703) 761-5000 FACSIMILE (703) 761-5023

WEBSITE www.GG-LAW.com

EMAIL GG@GG-LAW.COM

LEESBURG OFFICE SUITE 345 161 FORT EVANS ROAD LEESBURG, VA 20176

* NOT ADMITTED IN VIRGINIA † OF COUNSEL -- McLEAN ‡ OF COUNSEL -- LEESBURG

ROBERT B. ADAMS†

JAMES A. GAMMON*†

GEORGE R. GRANGE II

NANCY OLIVER LESOURD

W. FRANKLIN PUGH, P.L.C.‡

CAROLYN J. SEUGLING*

A. WRAY FITCH III

STEPHEN S. KAO

KENNETH E. LIU

TIMOTHY R. OBITTS

DAWN W. SIKORSKI DANIEL D. SMITH, P.C.‡ SCOTT J. WARD

STEPHEN H. KING

February 4, 2009

Copyright Royalty Board Library of Congress James Madison Memorial Building, LM-403 101 Independence Ave., SE Washington, DC 20559-6000

Re: Digital Performance in Sound Recordings and Ephemeral Recordings

Docket No. 2009-1 CRB Webcasting III

Dear Sir or Madam:

Enclosed for filing with the Copyright Royalty Board please find an original, five copies, and an electronic copy in PDF format of the NCE Radio Coalition's Petition to Participate in the above-referenced proceeding, along with a check for the \$150 filing fee.

Please file stamp and return with the courier service the enclosed extra copy.

Please contact the undersigned with any questions.

With kindest regards,

Konder & him

A. Wray Fitch III Kenneth E. Liu

Counsel for NCE Radio Coalition

ß

Security Features Included.

MP

☐ Gammon & Grange, P.C.

ATTORNEYS AT LAW 8280 GREENSBORO DRIVE 7TH FLOOR MC LEAN, VA 22102-3807 PH. (703) 761-5000 FAX (703) 761-5023

SUNTRUST ACH RT 061000104 65-270-550

DATE ------CHECK NO. ------CHECK-AMOUNT -

02/04/09 **ONE HUNDRED FIFTY AND 00/100 DOLLARS**

1900

\$150.00

PAY

Copyright Royalty Board

TO THE ORDER OF

| OO 1900| | | OSSOO 270 7| 1000063181340|

GAMMON & GRANGE, P.C.

1900

VENDOR NO.

VENDOR NAME

02/04/09

REFERENCE

GROSS AMOUNT

NET AMOUNT

TRANSACTION DATE

02/04/09 110001 020409

9997-027 AWF

Petition to Participate

150.00

CHECK DATE

CHECK NO.

TOTAL GROSS

TOTAL DEDUCTION

CHECK AMOUNT

GAMMON & GRANGE, P.C.

02/04/09

150.00

02/04/09 110001 020409

9997-027 AWF

Petition to Participate

150.00

1900

Before the COPYRIGHT ROYALTY BOARD LIBRARY OF CONGRESS Washington, D.C.

In the Matter of)) Docket No. 2009-1	FEB 0 4 2009
Digital Performance in Sound Recordings and Ephemeral Recordings) CRB Webcasting III)))	Complete

PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and Federal Register No. 74, No. 2, (Monday, January 5, 2009), [Participating Company] herein files with the Library of Congress, Copyright Office, this petition stating the entity's intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of "eligible nonsubscription transmissions" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

Slacker, Inc. has a significant interest in the subject matter of this proceeding because it utilizes and performs sound recordings under the above-referenced licenses and will therefore be subject to the rates and terms established in this proceeding and as such, petitioner intends to fully participate in the proceeding.

The requisite \$150 filing fee is submitted herewith.

Dated: January 30, 2009

James Rondinelli

SVP Strategic Development, Slacker, Inc.

16935 W. Bernardo Drive

TEL: (858) 943-5079 FAX: (858) 943-5001

jrondinelli@slacker.com

Before the COPYRIGHT ROYALTY BOARD Washington, D.C. 20559

FEB **0** 4 2009

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	X		(`	*	
In the Matter of	:			,	era era
DIGITAL PERFORMANCE IN SOUND AND EPHEMERAL RECORDINGS	:	Docket No. 2009 - 1 C	CRB	Webcastir	ng III
	:				
	·X				

# PETITION TO PARTICIPATE OF CATHOLIC RADIO ASSOCIATION

Catholic Radio Association ("CRA"), by counsel and pursuant to 17 U.S.C. §804(a)¹, hereby petitions to participate in the above-captioned matter to determine reasonable rates and terms for statutory licenses permitting certain digital performances of sound recordings and the making of ephemeral recordings.

CRA is the principal trade association of Catholic radio broadcasters, most of which maintain an Internet presence and which stream their broadcast signals over the Internet. For convenience, we hereinafter refer to such activity as "webcasting". Several hundred CRA member radio apostolates are (a) broadcasting and webcasting Catholic radio programming already, (b) working to launch new broadcast facilities and — in the meantime — webcasting, or (c) working to acquire existing broadcast facilities and — again, in the meantime — webcasting. Accordingly, CRA holds a significant interest in the captioned proceeding within the meaning of 17 U.S.C. § 803(a)(1), in the royalty

¹ See also 17 U.S.C. §§ 803(b)(1)-(2); 37 C.F.R. § 351.1(b).

rates and terms for statutory licenses permitting the use of digital sound recordings and ephemeral recordings implicit in webcasting.

The Catholic radio format is unique inasmuch as it is a primarily talk format broadcast mostly by noncommercial stations. The noncommercial talk format of CRA members includes virtually no copyrighted music, excepting occasional live events to which the broadcast and webcast of copyrighted music is tangential. Historically, other organizations have inadequately represented the unique interest of Catholic broadcasters and webcasters in negotiations, such as those proposed in the captioned matter, to ensure the noncommercial talk format does not incur a disproportionate music royalty liability.

The appropriate filing fee is supplied herewith, and by the signatures below we hereby certify that counsel to CRA holds the authority and consent of the petitioner to represent CRA for this purpose.

In view of the foregoing, the Copyright Royalty Board should grant the instant petition and permit CRA to participate in the captioned proceeding.

Respectfully submitted,

CATHOLIC RADIO ASSOCIATION

By: Stephen Lajolesile

Stephen Gajdosik, President

121 Broad Street

Charleston, SC 29401

(843) 853-2300

(509) 479-1186 (fax)

sgajdosik@bellsouth.net

Stuart W. Nolan, Jr.

WOOD, MAINES & NOLAN, P.C.

4121 Wilson Boulevard, Suite 101

Arlington, Virginia 22203

(703) 465-2361

(703) 465-2365 (fax)

 $\underline{Nolan@LegalCompass.com}$ 

Its counsel

February 4, 2009

RECEIVED

# Before the UNITED STATES COPYRIGHT ROYALTY BOARD LIBRARY OF CONGRESS Washington, D.C.

FEB 0 4 2009 Copyright Royalty Board

In The Matter Of:

Docket No. 2009-1 CRB

Webcasting III

Digital Performance Rights in Sound Recordings and Ephemeral Recordings

### PETITION TO PARTICIPATE OF YAHOO!, INC.

In accordance with section of 351.1(b) of the governing regulations, Yahoo!, Inc. ("Yahoo!") hereby petitions to participate in the above captioned proceeding.

Name:

Yahoo!, Inc.

Address:

2700 Pennsylvania Ave.

Santa Monica, CA 90404

Telephone:

(310) 526-3411

Fax

(310) 526-4400

Email:

whalley@yahoo-inc.com

Yahoo! has a significant interest in this proceeding as demonstrated by its participation in the two previous proceedings, Webcasting I and Webcasting II. Yahoo! engages in webcasting through its Internet radio service, LAUNCHcast, and from its Y! Music pages. In so doing, Yahoo! avails itself of the section 114 statutory license and pays copyright owners the statutory rate set under the license for the use of sound recordings. As Webcaster I and II did, this proceeding will determine the rate that Yahoo!, as well as other webcasters, will pay for use of the license during the 2011 to 2015 period. Thus, Yahoo! has a significant interest in the outcome of this proceeding.

Yahoo! intends to participate in the above captioned proceeding.

Respectfully submitted,

Yahoo!, Inc.

Dated: February 4, 2009

By: Wendy Halley Wendy Halley

Kenneth L. Steinthal Todd Larson Weil Gotshal & Manges, L.L.P. 201 Redwood Shores Parkway Redwood Shores, CA 94065 (650) 802-3100 (phone) (650) 802-3100 (fax) kenneth.steinthal@weil.com

Counsel for Yahoo!, Inc.

2004 FEB © 4 2009

# Spacial

Petition to Participate - Copyright Royalty Board (CRB) 37 CFR 351.1(b)

Monday, February 02, 2009

Bryan Payne, CEO Spacial Audio Solutions, LLC 200 E 6th St, Suite 204 Austin, Texas 78701 Office: 972-739-6420 ext# 130

Fax: 512-519-4370

e-mail: bryan@spacialaudio.com

#### To whom it concerns:

As a leading broadcast automation and advertising technology and software developer who has provided technologies and services for over 10 years to both Internet and Terrestrial broadcasters. The importance of our participation in the upcoming CRB hearings we believe is very vital to our own company's future. Not to mention the future of webcasting/internet broadcasting in general.

Many individuals and companies who currently webcast rely upon our and other similar companies' software technologies and services for their day to day operations as well as the very technologies and services that help monitor and provide reporting functionality for accountability of music and other relevant content performances.

It is our hope and desire that our participation may assist in the process of determining that there is a reasonable and effective royalty rate moving forward that will also allow the industry to positively grow and mature while assuring that all artists/musicians are indeed fairly compensated.

We understand that it is of the utmost importance and urgency that a royalty rate that is set be one that supports industry growth in a positive light for webcasters/broadcasters as well as sufficiently compensate all artists/musicians.

If an unbalanced or unaffordable rate is set that in turn creates a potential negative outcome for webcasters/internet broadcasters and or that rate also then inevitably forces many webcasters/broadcasters out of business. This of course in turn will more than likely directly and negatively impact us as a company and others like us, as we rely and depend on these very broadcasters currently as a significant source of our income. Not to mention a loss of potential additional royalties that would go towards compensating artists/musicians. None of which we wish to see happen.

With currently 25 employees whose very future could indeed rely upon the outcome of the upcoming CRB hearing. Spacial Audio Solutions wishes to respectfully submit our intent to participate in the upcoming CRB, which is to set to determine the royalty rate for 2011-2015.

Respectfully,

CEO, Spacial Audio Solutions, LLC

### RECEIVED

# Before the COPYRIGHT ROYALTY BOARD LIBRARY OF CONGRESS Washington, DC

FEB 0.4 2009

Copyright Royalty Board

In the Matter of:	)	Docket No. 2009-1 CRB Webcasting III
Digital Performance Right In Sound Recordings and Ephemeral Recordings	) ) )	

## NATIONAL ASSOCIATION OF BROADCASTERS' PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 74 Fed. Reg. 318, the National Association of Broadcasters ("NAB") hereby petitions to participate in the above-captioned proceeding to adjust the rates and terms for 2011-2015 for eligible nonsubscription services to make certain public performances by digital audio transmission of sound recordings under 17 U.S.C. § 114(f)(2) and to make ephemeral recordings in furtherance of those performances under 17 U.S.C. § 112(e).

NAB is a nonprofit trade association that promotes and protects the public policy and business interests of local radio and television broadcasters throughout the United States. NAB advocates on the behalf of over 8,300 radio and television stations and has a direct and vital interest in this proceeding because many of its member companies make public performances of sound recordings by digital transmission and ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The requisite \$150 filing fee is enclosed herewith.

Respectfully submitted,

Suzanne Head

Associate General Counsel

National Association of Broadcasters

1771 N Street NW

Washington, DC 20036

Telephone: (202) 429-5430

Email: shead@nab.org

February 4, 2009

ORIGINAL

### Before the COPYRIGHT ROYALTY JUDGES LIBRARY OF CONGRESS Washington, D.C.

### RECEIVED

FEB 0.4 2009

d

	_,	Copyright Royalty Board
In the matter of:	)	
Digital Performance in Sound Recordings and Ephemeral Recordings	)	Docket No. 2009-1 CRB Webcasting III

### **Bonneville International Corporation's Petition to Participate**

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 74 Fed. Reg. 318 (published January 5, 2009), Bonneville International Corporation ("Bonneville") hereby petitions to participate in the abovecaptioned proceeding to determine the reasonable rates and terms for two statutory licenses, permitting certain digital performances of sound recordings and the making of ephemeral recordings for the period beginning January 1, 2011, and ending on December 31, 2015.

Bonneville has a direct and vital interest in this proceeding because it makes public performances of sound recordings by digital transmission and may make ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The requisite \$150.00 filing fee is enclosed herewith.

Respectfully submitted,

Kenneth E Satte

Wilkinson Barker, Knauer, LLP

2300 N Street, N.W.

Suite 700

Washington, D.C. 20037

Phone No.: Fax No.:

(202) 783-4141

Email:

(202) 783-5851 ksatten@wbklaw.com

Counsel to Bonneville International Corporation

February 4, 2009

BATH 11697

COPYRIGHT ROYALTY JUDGES PROGRAW

DAILY CURRENCY LOG
2009-1 CRB Webcasting III

**DATE:** 2-4-09

#	Docket No.	Remitter	Check Number	Check Amount	Data Prep Receipt Number
1	2009-1	Apple Inc.	14041	150.00	
2		DiMA	1021	150.00	
3		Citadel, Clarke, Entercom, Galaxy, Greater Media	14313	150.00	
4		CBS Radio	14314	150.00	
5		NCE Radio Coalition	1900	150.00	
6		Slacker, Inc.	010054	150.00	
7		Catholic Radio Association (CRA	2935	150. 00	
8		Yahoo!, Inc.	009971	150.00	
9		Spacial audio	1357	150.00	
10		NAB	155428	150.00	
11		Bonneville International Corp	80648	150.00	
12					

Total: 1650.00

	Signature of Transferor	Receiver	Date & Time
$1^{st}$			

CRJ Currency Log

TRANSFERS: